

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

UNITED STATES, et al.,)
)
Plaintiffs,)
v.)
)
GOOGLE LLC,)
)
Defendant.)

No. 1:23-cv-00108-LMB-JFA

**DECLARATION OF KENNETH WHITLEY
IN SUPPORT OF PLAINTIFFS' RESPONSE TO
GOOGLE'S MOTION TO SEAL**

I, Kenneth Whitley, pursuant to 28 U.S.C. § 1746 hereby declares as follows:

1. I am over 21 years old and am competent to testify about the matters in this Declaration based on my personal knowledge.
2. I am an attorney in the Department of Health and Human Service's Office of General Counsel, Centers for Medicare and Medicaid Services ("CMS") Division and submit this Declaration in support of Plaintiffs' Response to Google's Motion to Seal.
3. Google's Exhibits 67, ECF No. 601-3, and 74, ECF No. 602-4, in support of its motions for summary judgment and to exclude testimony contain contact information for CMS staff. Such contact information is not widely published or available to the general public as a matter of course, and making it available on the public docket threatens to disrupt orderly and efficient agency operations.

I declare under penalty of perjury that the foregoing is true and correct. Executed on June 14, 2024.

Signed: Kenneth R. Whitley

Kenneth Whitley
Attorney
Office of General Counsel
Centers for Medicare & Medicaid Services Division
Department of Health and Human Services

Washington D.C.